

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

NOV 22 2006

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

MATTHEW J. DYKMAN  
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Cañones Creek, Section 7

Subfile No.: CHCC-001-0001A

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

RALEIGH K. GARDENHIRE  
JOHNNA WEAVER

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Cañones Creek, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Cañones Creek, Section 7, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** NONE

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** Surface water of Gentry Creek, a tributary of Cañones Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** GENTRY CREEK DITCH NO. 1

**Location:** X= 1,558,787 feet Y= 2,118,984 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	4.9 acres
Total	4.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCC-001-0001A

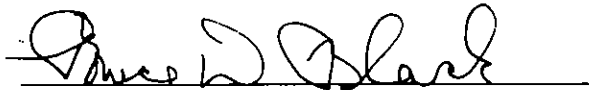
**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Cañones Creek, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Cañones Creek, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

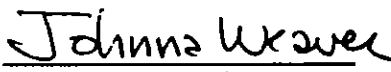
The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

  
SPECIAL MASTER

SIGNATURE   
By Raleigh Gardenhire / <sup>JOHNA WEAVER</sup> Atty in fact  
ADDRESS: PO Box 1155  
Chama NM 87520

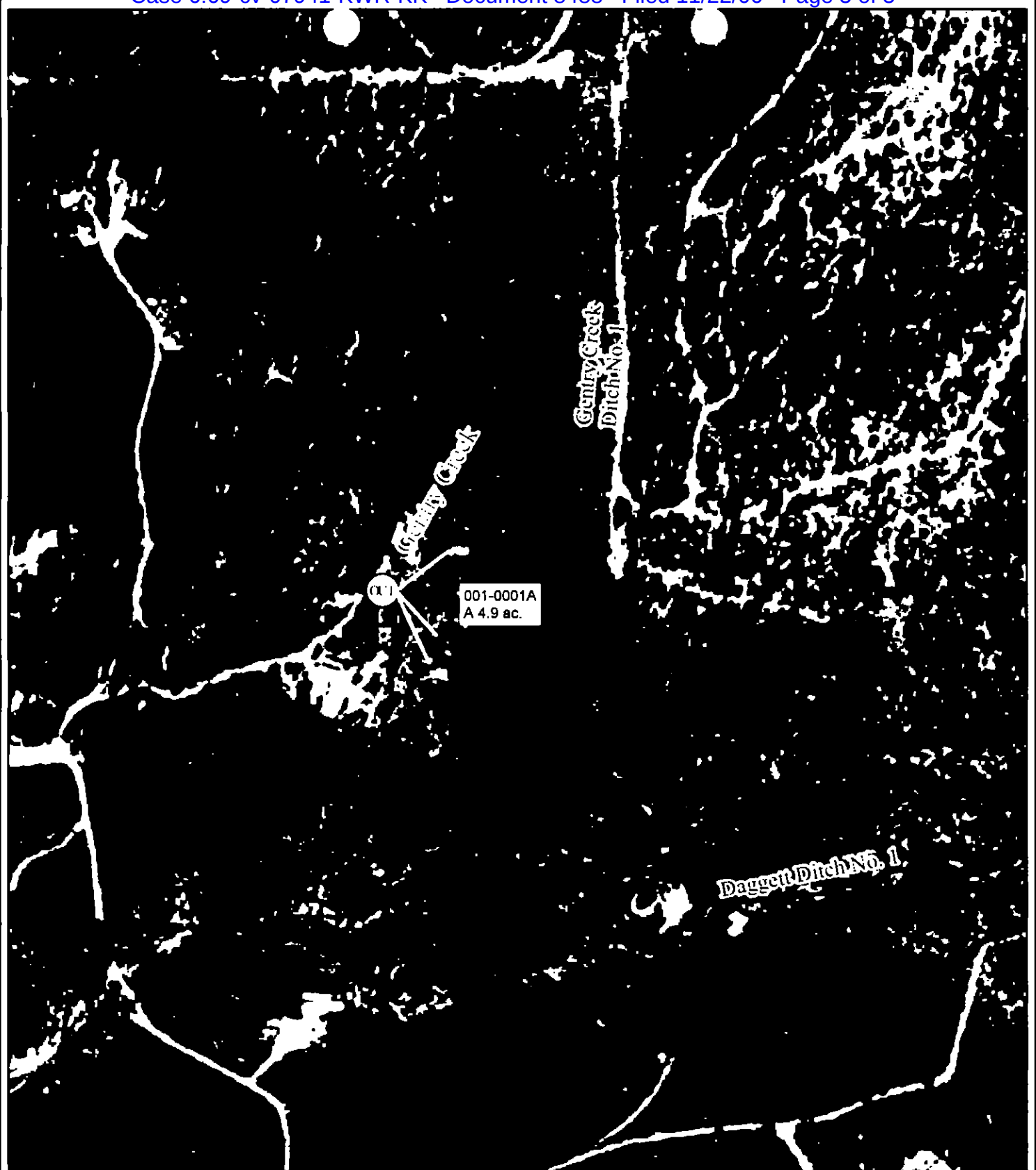
DATE: 10/5/2006

  
SIGNATURE  
RALEIGH K. GARDENHIRE  
ADDRESS: PO Box 1155  
Chama, NM 87520










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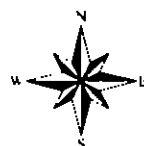
Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

10.16.06  
Date



# LEGEND

- |   |  |
|---|--|
|  Irrigated Tract Boundary   |  Point of Diversion |
|  No Right Tract Boundary    |  Fallow             |
|  Seeped Land                |  No Right           |
|  Operable Ditch / Lateral   |  |
|  Inoperable Ditch / Lateral |  |
|  Reservoir / Stock Pond     |  |



1 inch = 300 feet  
 0 50 100 200 300  
 Feet

STATE OF NEW MEXICO  
 Office of the State Engineer  
 John R. D'Antonio Jr., P.E., State Engineer

Rio Chama Hydrographic Survey  
 Canones Creek Section

Subfile Number  
**CHCC 001-0001A**  
 Gentry Creek  
 Ditch No. 1  
 Amended  
 January 25, 2006

